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**MAY 02 2007**

**OFFICE OF PETITIONS**

In re Patent No. 7,003,061	:
Issued: February 21, 2006	: DECISION ON APPLICATION FOR
Application No. 09/747,945	: PTA and NOTICE OF INTENT
Filed: December 21, 2000	: TO ISSUE CERTIFICATE OF
Atty. Dkt. No.: 07844-484001/	: CORRECTION
P448	:

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d)," filed April 26, 2006 (certificate of mailing date of April 21, 2006).

The request for reconsideration of patent term adjustment (PTA) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 7,003,061 on February 21, 2006. The instant request for reconsideration was timely filed April 26, 2006 in accordance with 37 CFR 1.705(d). A "LETTER OF REGARDING PATENT TERM ADJUSTMENT" was filed on November 9, 2005. The Office did not address the letter prior to issuance of the patent. The patent issued with a PTA of 592 days. Patentee argues that the adjustment of 592 days is incorrect and that the correct adjustment is 593 days.

A careful review of the application history reveals at that the time of issuance, the patent was entitled to an adjustment of 631 days.

Patentee does not dispute the adjustment of 793 days attributed to the Office.

A review of the application history reveals that prior to issuance, the Office failed to reduce the adjustment of 793 days by 67 days in accordance with 37 CFR 1.704(b) in connection with the response to the Notice to File Corrected Application papers. The reduction began May 21, 2001, the day after the day that is three months after the date that the Notice was mailed, and ended July 26, 2001, the day a response to the Notice was filed.

The adjustment of 793 days is further reduced 30 days, as undisputed by patentees, in accordance with 37 CFR 1.704(b) in connection with the response to the non-final Office action submitted July 22, 2004.

The adjustment of 793 days is further 18 days, as undisputed by patentees), in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental response submitted August 9, 2004.

The adjustment of 793 days is further reduced 47 days, as undisputed by patentees, in accordance with 37 CFR 1.704(b) in connection with the response to the final rejection submitted April 29, 2005.

The Office errantly reduced the adjustment of 793 days one day in connection with the issue fee payment receipt. Patentees have established that the issue fee transmittal and payment were submitted via USPS Express Mail service with a date-in of November 8, 2005.

Moreover, the Office errantly reduced the adjustment of 793 days 105 days connection with the "RESPONSE TO NOTICE OF ALLOWANCE" submitted November 8, 2005. Submission of a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability" is not a failure to engage in reasonable efforts to engage in reasonable efforts to conclude prosecution (or processing) within the meaning of 37 CFR 1.704.

In view thereof, the patent is entitled to an adjustment of 631 days.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 631 days.

Receipt is hereby acknowledged of the required application fee of \$200.00.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

*Kery A. Fries*

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

CC: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,003,061 B2  
DATED : February 21, 2006  
INVENTOR(S) : Wilensky

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 592 days

Delete the phrase "by 592 days" and insert -- by 631 days--



Attorney's Docket No.: 07844-484001 / P448

DAF  
RFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gregg D. Wilensky  
Patent No. : 7,003,061  
Issue Date : February 21, 2006  
Serial No. : 09/747,945  
Filed : December 21, 2000  
Title : IMAGE EXTRACTION FROM COMPLEX SCENES IN DIGITAL VIDEO

Art Unit : 2613  
Examiner : Tung Vo

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d)

Applicants hereby petition for reconsideration of the Patent Term Adjustment (PTA) accorded the above-referenced patent. Attached herewith is a copy of the Issue Notification including a Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed February 1, 2006, for the above-referenced patent, which issued on February 21, 2006. The notification, as well as the face of the patent, states that the total Patent Term Adjustment at issuance is 592 days. Reconsideration of the Patent Term Adjustment to decrease Applicant Delay from 201 days to 200 days, and to increase Total PTA from 592 to 593 days, is respectfully requested.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 21, 2006

Date of Deposit

Diana Bradley

Diana Bradley

04/27/2006 RNEBRAH1 00000022 7003061

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Applicant : Gregg D. Wilensky  
Patent No. : 7,003,061  
Issued : February 21, 2006  
Serial No. : 09/747,945  
Filed : December 21, 2000  
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#### REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

A review of the Patent Term Adjustment History in the PAIR/PALM system shows that the United States Patent and Trademark Office (PTO) calculated the following delays with regard to Patent Term Adjustment (PTA):

- 1) Applicants do not dispute herein the calculated PTO Delay of 760 days for the delayed 14-month first Office Action mailed March 22, 2004.
- 2) Applicants do not dispute herein the calculated Applicant Delay of 30 days for the delayed office action response received by the PTO on July 22, 2004.
- 3) Applicants do not dispute herein the calculated Applicant Delay of 18 days for the Information Disclosure Statement (IDS) received by the PTO on August 9, 2004.
- 4) Applicants do not dispute herein the calculated PTO Delay of 21 days for the delayed final office action mailed December 13, 2004.
- 5) Applicants do not dispute herein the calculated Applicant Delay of 47 days for the delayed office action response received by the PTO on April 29, 2005.
- 6) Applicants dispute the calculated Applicant Delay of 1 day for the Response to Notice of Allowance which was mailed by Express Mail on November 8, 2005 and stamped received in OIPE on November 9, 2005.
- 7) Applicants do not dispute herein the calculated Applicant Delay of 105 days for the Interview Summary faxed on September 6, 2005 and reviewed by the PTO on November 9, 2005.
- 8) Applicants do not dispute herein the calculated PTO Delay of 12 days for not issuing the patent within three years of the filing date.

Applicant : Gregg D. Wilensky  
Patent No. : 7,003,061  
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### REMARKS

Applicants mailed a Response to Notice of Allowance by Express Mail on November 8, 2005. The PTO stamp indicates it was received in OIPE on November 9, 2005. The Applicant respectfully requests that the PTO correct the database to show that the Response to Notice of Allowance was received on November 8, 2005, in accordance with 37 CFR §110(a)(1). Copies of the return receipt postcard and the express mail label stamped November 8, 2005 are attached.

Therefore, Applicants respectfully request the removal of 1 day of Applicant Delay accorded due to this entry.

In consideration of the events described above, Applicants believe the PTA calculation of 592 days is incorrect. Applicants kindly request reconsideration of the calculated patent term adjustment to decrease Applicant Delay from 201 days to 200 days, thus increasing the Total PTA from 592 to 593 days.

A copy of each of the following documents is provided herein:

- 1) Issue Notification with Determination of Patent Term Adjustment dated February 1, 2006;
- 2) Return receipt postcard indicating that the issue fee transmittals were received by OIPE on November 9, 2005; and
- 3) Express mail label stamped by the US Postal service on November 8, 2005.

Applicant : Gregg D. Wilensky  
Patent No. : 7,003,061  
Issued : February 21, 2006  
Serial No. : 09/747,945  
Filed : December 21, 2000  
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Enclosed is a check in the amount of \$200.00 for the petition fee. Please apply any additional charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

4/20/2006



\_\_\_\_\_  
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